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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
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11 ADRIAN RISKIN,
12 Petitioner,
13 vs.
14 THE ACCELERATED SCHOOLS,
15 Respondent.
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Case No. 19STCP05135

**PETITION'S OBJECTIONS TO
EVIDENCE PRESENTED IN SUPPORT
OF RESPONDENT THE
ACCELERATED SCHOOLS
OPPOSITION TO PETITION FOR
WRIT OF MANDAMUS**

**[Gov't Code § 6250, *et seq.*; Civ. Proc.
Code §§ 1060, 1085; Civ. Code § 3422]**

Judge: Honorable Mary H. Strobel
Date: March 23, 2021
Time: 09:30 A.M.
Dept: 82

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24 Petitioner Adrian Riskin ("Petitioner") hereby objects to Respondent The
25 Accelerated Schools' ("TAS" or "Respondent") evidence presented in support of
26 Respondent's Opposition To Petition For Writ Of Mandamus ("Oppo.").
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1 **I. EXHIBIT G ATTACHED TO DECLARATION OF JEFFREY L. ANDERSON IN**
2 **SUPPORT OF TAS' OPPOSITION TO PETITION FOR WRIT OF MANDATE**
3 **IS IRRELEVANT AND PREJUDICIAL**

4 Respondent seems to claim that it need not comply with the California Public
5 Records Act ("CPRA") because it believes "Petitioner is on the warpath" against the
6 Respondent and its industry (Oppo. 5:27). In support of their specious contention,
7 Respondent provides 39 pages reproduced from Petitioner's blog attached as Exhibit G to
8 the accompanying Declaration of Jeffrey L. Anderson ("Anderson Dec.").

9 **A. The Evidence in Exhibit G of Anderson Dec. is Irrelevant**

10 "No evidence is admissible except relevant evidence." (Evid. Code § 350.)
11 Evidence is relevant when it has "any tendency in reason to prove or disprove any
12 disputed fact that is of consequence to the determination of the action." (Evid. Code
13 § 210.).

14 The CPRA "does not allow limitations on access to a public record based upon the
15 purpose for which the record is being requested, if the record is otherwise subject to
16 disclosure." Gov. Code § 6257.5. While Petitioner uses the information disclosed by CPRA
17 requests to provide scholars, journalists, activists, and community members with critical
18 information about the inner workings of privately managed, but publicly funded, charter
19 school corporations, those noble motives are not considered relevant under the law.
20 Indeed, Petitioner could use the disclosures "for any purpose" *City of Los Angeles v.*
21 *Superior Court (Axelrad)*, 82 Cal. App. 4th 819, 825, 98 Cal. Rptr. 2d 564 (2000).

22 Respondent's attempt to distract the court with evidence entirely unrelated to the
23 instant case further compounds the irrelevance of their evidence. For example, the
24 inclusion of disgraced charter school mogul, and convicted felon, Refugio "Ref"
25 Rodriguez in TAS's Exhibit G doesn't relate to TAS or the instant matter at all. (*Exhibit G*
26 *Anderson Dec.* p. 6). Moreover, Respondent including Petitioner's account of how
27 Respondent repeatedly violated the Brown Act, and subsequently complied with the law
28 after Petitioner sent them a demand letter as outlined by statute has nothing to do with
the instant CPRA case. (*Exhibit G Anderson Dec.* p. 10).

1 Ultimately “the purpose of the requesting party in seeking disclosure cannot be
2 considered...” *California State University v. Superior Court* (2001) 90 Cal.App.4th 810, 831
3 [108 Cal.Rptr.2d 870, 884]. Accordingly, Exhibit G should be struck as irrelevant.

4 **B. The Evidence in Exhibit G of Anderson Dec. is Unduly Prejudicial**

5 Under Evidence Code section 352, the court may “exclude evidence if its probative
6 value is substantially outweighed by the probability that its admission will (a) necessitate
7 undue consumption of time or (b) create substantial danger of undue prejudice, of
8 confusing the issues, or of misleading the jury.”

9 Given that Exhibit G is completely irrelevant, since it only speaks to Petitioner’s
10 purported purpose for requesting the public records, it has no probative value. It is,
11 however, extremely confusing and necessitates undue consumption of time on an issue
12 that the law does not consider relevant in CPRA cases. As such, Exhibit G should be
13 struck as unduly prejudicial.

14 **II. CONCLUSION**

15 Respondent’s reliance on the 39 pages of evidence, much of which is entirely
16 unrelated to the instant case, and *all of which* is not relevant in CPRA cases, is contrary
17 to express authority, grossly misleading, and wasteful of the parties’ and the court’s time.
18 Accordingly, Petitioner hereby objects to Exhibit G and requests that the Court strike it
19 from the record.

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21 DATED: February 28, 2021

22 Respectfully Submitted,

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25 Robert D. Skeels

26 Attorney for Petitioner and Plaintiff
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